

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

CHARLES LEE SLACK *et al.*

PLAINTIFFS

ADC #157298

V.

4:14CV00225 JM/HDY

RANDY MURRY

DEFENDANT

**PROPOSED FINDINGS AND RECOMMENDATIONS**

**INSTRUCTIONS**

The following recommended disposition has been sent to United States District Judge James M. Moody Jr. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.

3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A149  
Little Rock, AR 72201-3325

### **DISPOSITION**

Plaintiffs Charles Lee Slack and Charles Hicks filed a *pro se* complaint on April 11, 2014. Neither man paid the filing and administrative fee or filed an application for leave to proceed *in forma pauperis*, and the complaint was too vague to determine if it stated a claim for relief. Accordingly, on April 15, 2014, the Court entered an order directing Plaintiffs to pay the \$400.00 filing and administrative fees, or to each file applications for leave to proceed *in forma pauperis*, and to each file an amended complaint (docket entry #2). That order also warned Plaintiffs that their failure to comply would result in the recommended dismissal of their complaint. Hicks has not filed anything since the order was entered. Slack filed an application for leave to proceed *in forma pauperis*, but has not filed an amended complaint. However, Slack has filed motions for injunctive relief (docket entries #8, #10, & #15-#16), and a motion for a pre trial hearing (docket entry #17). Although Slack has filed numerous motions, none are responsive to the Court’s order. Because neither Plaintiff has complied with the Court’s order to file an amended complaint, their complaint

should be dismissed.

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiffs' complaint be DISMISSED WITHOUT PREJUDICE for failure comply with the Court's order.

2. All pending motions be DENIED.

3. The Court certify that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 20 day of May, 2014.



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UNITED STATES MAGISTRATE JUDGE